

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Jeffrey Evans, derivatively on behalf of  
Navarre Corporation,

Civil No. 05-1818 (PAM/RLE)

Plaintiff,

v.

**MEMORANDUM AND ORDER**

Eric H. Paulson, James G. Gilbertson,  
Brian M.T. Burke, Cary L. Deacon, Keith  
A. Benson, Charles E. Cheney, Timothy R.  
Gentz, Tom Weyl, Dickinson G. Wiltz,  
James G. Sippl, Michael L. Snow, and  
Alfred Teo,

Defendants,

Navarre Corporation,

Nominal Defendant.

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Joan M. Brewster, derivatively on behalf  
of Navarre Corporation,

Civil No. 05-2044 (PAM/RLE)

Plaintiff,

v.

Eric H. Paulson, James G. Gilbertson,  
Brian M.T. Burke, Cary L. Deacon, Keith  
A. Benson, Charles E. Cheney, Timothy R.  
Gentz, Tom F. Weyl, Dickinson G. Wiltz,  
James G. Sippl, Michael L. Snow, and  
Alfred Teo,

Defendants,

Navarre Corporation,

Nominal Defendant.

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William Block, derivatively on behalf of  
Navarre Corporation,

Civil No. 05-2067 (PAM/RLE)

Plaintiff,

v.

Eric H. Paulson, James G. Gilbertson,  
Brian M.T. Burke, Cary L. Deacon, Keith  
A. Benson, Charles E. Cheney, Timothy R.  
Gentz, Tom F. Weyl, Dickinson G. Wiltz,  
James G. Sippl, Michael L. Snow, Alfred  
Teo,

Defendants,

Navarre Corporation,

Nominal Defendant.

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This matter is before the Court on Plaintiffs Evans, Brewster, and Block's Motion for Extension of Time to Respond to Defendants' Motion to Dismiss. The Court finds that a continuance is warranted under Federal Rule of Civil Procedure 56(f), considering the ongoing discovery process and consequent discovery disputes between the parties. The hearing on the Motion to Dismiss, currently scheduled for May 10, 2006, in Civil Nos. 05-1191, 05-1216, 05-1818, 05-2044, and 05-2067, is postponed.

Plaintiffs have also filed a Motion to Compel Discovery, which fails to comply with the Local Rules. Plaintiffs are instructed to re-file this Motion before the Magistrate Judge and notice a hearing in accordance with the Local Rules. After the discovery disputes are

resolved, the parties shall contact the chambers of the undersigned to reschedule the hearing on the Motion to Dismiss.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiffs Evans, Brewster, and Block's Motion for an Extension of Time to Respond to Defendants' Motion to Dismiss (Docket No. 59 in Civ. No. 05-1818; Docket No. 56 in Civ. No. 05-2044; and Docket No. 47 in Civ. No. 05-2067) is **GRANTED**;
2. Plaintiffs Evans, Brewster, and Block's Motion to Compel (Docket No. 60 in Civ. No. 05-1818; Docket No. 57 in Civ. No. 05-2044; and Docket No. 48 in Civ. No. 05-2067) is **STRICKEN**; and
3. The hearing on Defendants' Motion to Dismiss in Civ. Nos. 05-1191, 05-1216, 05-1818, 05-2044, and 05-2067 is continued, and the parties are instructed to call Suzanne Ruiz, calendar clerk to the undersigned, to reschedule the hearing after the parties have resolved their discovery disputes.

Dated: April 21, 2006

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge